

HOUSE BILL No. 1415

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-7-2-143.5; IC 12-17.2.

Synopsis: Preschool registration. Amends the definition of "preschool". Revises the licensure exemption for preschools. Requires a preschool to register with the division of family and children. (The introduced version of this bill was prepared by the board for the coordination of child care regulation.)

Effective: July 1, 2003.

Budak, Crawford, Brown C

January 14, 2003, read first time and referred to Committee on Human Affairs.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1415

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-7-2-143.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 143.5. "Preschool", for
3 purposes of IC 12-17.2, means a program that provides an educational
4 experience through an age appropriate written curriculum for children
5 at least thirty (30) months of age who are not eligible to enter
6 kindergarten and that:

7 (1) conducts sessions for not more than four (4) hours a day;

8 (2) enrolls ~~children for only~~ **an individual child for not more**
9 **than** one (1) session a day;

10 (3) does not serve meals on the premises; **and**

11 ~~(4) maintains a child to staff ratio of not more than fifteen (15)~~
12 ~~children to one (1) staff member;~~

13 ~~(5) supervises children at all times with a person who is at least~~
14 ~~eighteen (18) years of age; and~~

15 ~~(6) (4)~~ **(4)** does not operate for more than ten (10) consecutive days.

16 SECTION 2. IC 12-17.2-2-1 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. The division shall



perform the following duties:

(1) Administer the:

(A) licensing and monitoring of child care centers or child care homes; **and**

(B) **registration of preschools;**

in accordance with this article.

(2) Ensure that a criminal history background check of the applicant is completed before issuing a license.

(3) Ensure that a criminal history background check of a:

(A) child care ministry; **or**

(B) **preschool;**

applicant for registration is completed before registering the child care ministry **or preschool.**

(4) Provide for the issuance, denial, suspension, and revocation of licenses.

(5) Cooperate with governing bodies of child care centers and child care homes and their staffs to improve standards of child care.

(6) Prepare at least biannually a directory of licensees with a description of the program capacity and type of children served that will be distributed to the legislature, licensees, and other interested parties as a public document.

(7) Deposit all license application fees collected under section 2 of this chapter in the child care fund.

(8) Require each child care center or child care home to record proof of a child's date of birth before accepting the child. A child's date of birth may be proven by the child's original birth certificate or other reliable proof of the child's date of birth, including a duly attested transcript of a birth certificate.

SECTION 3. IC 12-17.2-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) The division shall adopt rules under IC 4-22-2 to govern the inspection of child care ministries **and preschools** under this article. The rules must provide standards for:

(1) sanitation **for child care ministries; and**

(2) **health, safety, and sanitation for preschools.**

(b) A child care ministry shall comply with rules established by the division for child care ministries.

(c) **A preschool shall comply with rules adopted for preschools by the division.**

SECTION 4. IC 12-17.2-2-8, AS AMENDED BY P.L.50-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2003]: Sec. 8. The division shall exempt from licensure the following programs:

- (1) A program for children enrolled in grades kindergarten through 12 that is operated by the department of education or a public or private school.
- (2) A program for children who become at least three (3) years of age as of December 1 of a particular school year (as defined in IC 20-10.1-2-1) that is operated by the department of education or a public or private school.
- (3) A nonresidential program for a child that provides child care for less than four (4) hours a day. **The division may not, however, exempt from licensure a nonresidential program that provides child care for a child less than four (4) hours per day at a single location and then moves the child on the same day to a different location for care by the same or another nonresidential program.**
- (4) A recreation program for children that operates for not more than ninety (90) days in a calendar year.
- (5) A program whose primary purpose is to provide social, recreational, or religious activities for school age children, such as scouting, boys club, girls club, sports, or the arts.
- (6) A program operated to serve migrant children that:
 - (A) provides services for children from migrant worker families; and
 - (B) is operated during a single period of less than one hundred twenty (120) consecutive days during a calendar year.
- (7) A:
 - (A) child care ministry registered under IC 12-17.2-6; **and**
 - (B) **preschool registered under IC 12-17.2-7.**
- (8) A child care home if the provider:
 - (A) does not receive regular compensation;
 - (B) cares only for children who are related to the provider;
 - (C) cares for less than six (6) children, not including children for whom the provider is a parent, stepparent, guardian, custodian, or other relative; or
 - (D) operates to serve migrant children.
- (9) A child care program operated by a public or private secondary school that:
 - (A) provides day care on the school premises for children of a student or an employee of the school;
 - (B) complies with health, safety, and sanitation standards as determined by the division under section 4 of this chapter for

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child care centers or in accordance with a variance or waiver of a rule governing child care centers approved by the division under section 10 of this chapter; and

(C) substantially complies with the fire and life safety rules as determined by the state fire marshal under rules adopted by the division under section 4 of this chapter for child care centers or in accordance with a variance or waiver of a rule governing child care centers approved by the division under section 10 of this chapter.

(10) A school age child care program (commonly referred to as a latch key program) established under IC 20-5-2-1.5 that is operated by:

(A) the department of education;

(B) a public or private school; or

(C) a public or private organization under a written contract with:

(i) the department of education; or

(ii) a public or private school.

SECTION 5. IC 12-17.2-7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

Chapter 7. Preschools

Sec. 1. This chapter does not apply to a preschool that is:

(1) licensed under this article; or

(2) regulated by a state agency other than the division of family and children.

Sec. 2. (a) A preschool may not operate unless the preschool has:

(1) registered with:

(A) the division; and

(B) the office of the state fire marshal; and

(2) met the requirements of:

(A) this chapter; and

(B) applicable rules of the fire prevention and building safety commission (675 IAC).

(b) The division and the office of the state fire marshal shall provide preschool registration forms.

Sec. 3. (a) A preschool shall maintain a child to staff ratio of not more than fifteen (15) children to one (1) staff member.

(b) A preschool shall ensure that a child enrolled in the preschool is supervised at all times with an individual who:

(1) is at least eighteen (18) years of age; and

(2) has a:



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(A) high school diploma; or

(B) general educational development diploma under IC 20-10.1-12.1.

Sec. 4. The division shall annually inspect a preschool registered under section 2 of this chapter to ensure that the preschool complies with this chapter and the rules of the division adopted under IC 12-17.2-2-5.

Sec. 5. The state fire marshal may annually inspect a preschool registered under section 2 of this chapter.

Sec. 6. Upon the completion of an inspection required under this chapter, a notice signed by the inspector from the division shall be issued to the operator of a preschool found to be in compliance. The notice shall be placed in a conspicuous place in the preschool and must be in substantially the following form:

"THIS REGISTERED PRESCHOOL has been inspected and complies with state rules concerning health, safety, and sanitation in preschools.

DATE _____

SIGNATURE _____

DIVISION OF FAMILY AND CHILDREN".

Sec. 7. (a) The operator of a preschool registered under section 2 of this chapter shall obtain from the parent or guardian of a child enrolled in the preschool a signed statement in the following form:

"I understand that this preschool is registered under the laws of Indiana. I understand that this preschool must comply with state rules concerning health, safety, and sanitation. I understand that it is my responsibility to ensure that the nutritional and health needs of my child are met while my child is at the preschool.

SIGNATURE _____".

(b) The statement required under this section must be signed by the parent or guardian when a child is enrolled in a preschool and must be:

(1) kept on file at the preschool; and

(2) made available to the division upon request;

for two (2) years after the last day the child attends the preschool.

Sec. 8. A preschool is not immune from liability for injury to a child while the child is in the care of the preschool if the cause of the injury is negligence or intentional wrongdoing on the part of the preschool or an employee of the preschool.

Sec. 9. (a) A preschool shall maintain and annually update documentation provided by the physician of each child who is



enrolled at the preschool that the child has received complete age appropriate immunizations, including:

- (1) conjugated pneumococcal vaccine; and
- (2) varicella vaccine or a demonstrated immunity to varicella.

The state department of health shall determine for each age level the immunizations that constitute complete age appropriate immunizations.

(b) A preschool meets the requirement of subsection (a) if:

(1) a child's parent:

(A) objects to immunizations for religious reasons; and

(B) provides documentation of the parent's objection;

(2) the child's physician provides documentation of a medical reason the child should not be immunized; or

(3) the child's physician provides documentation that the child is currently in the process of receiving complete age appropriate immunizations;

and the preschool maintains and annually updates the documentation provided by the parent or physician under this subsection.

Sec. 10. A preschool must:

(1) conduct a criminal history check of the preschool's employees and volunteers; and

(2) maintain records of each criminal history check.

Sec. 11. Unscheduled visits by a custodial parent or guardian of a child shall be permitted at any time a preschool is in operation.

Sec. 12. (a) The division shall charge a preschool a twenty-five dollar (\$25) fee for processing a registration under this chapter.

(b) The division shall deposit the fees collected under subsection (a) in the child care fund established by IC 12-17.2-2-3.

Sec. 13. (a) The state fire marshal shall charge a preschool a twenty-five dollar (\$25) fee for processing a registration under this chapter.

(b) The state fire marshal shall deposit the fees collected under subsection (a) in the fire and building services fund established by IC 22-12-6-1.

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